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APPLE INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 IN RE APPLE & AT&TM ANTITRUST
14 LITIGATION

CASE NO. C 07-5152 JW

15 **DEFENDANT APPLE'S SUPPLEMENTAL**
16 **REQUEST FOR JUDICIAL NOTICE**

17 Date: September 12, 2008
Time: 9:00 a.m.
18 Place: Courtroom 8, 4th Floor
Judge: Honorable James Ware

Pursuant to the unchallenged authority and analysis set forth in Defendant Apple Inc.'s ("Apple") Request for Judicial Notice, Apple hereby respectfully requests that the Court take judicial notice of the additional materials set forth below in its determination of Apple's Motion to Dismiss Plaintiffs' Revised Consolidated Amended Class Action Complaint ("RCAC"):

1. Apple iPhone One (1) Year Limited Warranty, included as part of the iPhone box materials received on purchase of the iPhone, referenced by plaintiffs throughout the RCAC at ¶¶ 4, 6, 47-49, 54, 56, 94, 98, 101, 135, 140, 146, 153, 159-62, and available at <http://images.apple.com/legal/warranty/docs/iphone.pdf>. A true and correct copy of this document is attached hereto as Exhibit A.
2. Melodeo's ripe, ready to say: Bite this, Apple, T. Duryee, *The Seattle Times* (Washington), June 5, 2007, available at http://seattletimes.nwsourc.com/html/business/technology/2003734591_melodeo05.html. A true and correct of this article is attached hereto as Exhibit B.
3. Pre-Game Analysis: The iPhone vs. Real Smartphones, J. Lendino, *PC Magazine.com*, June 22, 2007, available at <http://www.pcmag.com/article2/0,1759,2149569,00.asp>. A true and correct of this article is attached hereto as Exhibit C.
4. Shut out of Service, tech-head Alaskans will need guts to get hands on an iPhone, L. Jones, *Anchorage Daily News*, June 23, 2007, available at <http://dwb.adn.com/life/story/9072643p-8988611c.html>. A true and correct of this article is attached hereto as Exhibit D.
5. Want Your iPhone Unlocked? Too Bad, P. Le, *Seattle Post-Intelligencer*, July 2, 2007, available at http://seattlepi.nwsourc.com/lifestyle/322094_consumer03.html. A true and correct of this article is attached hereto as Exhibit E.

Dated: August 25, 2008

Respectfully submitted,

LATHAM & WATKINS LLP

By /s/ Daniel M. Wall
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